

State of California
AIR RESOURCES BOARD

Executive Order G-00-053

WHEREAS, on November 19, 1998, the Air Resources Board (the Board or ARB) conducted a public hearing to consider proposed amendments to sections 2405(c)(10), 2425(c)(10), 2435, and 2445.1, title 13, California Code of Regulations, and the adoption of sections 2470, 2471, 2472, 2473, 2474, 2475, and 2476, title 13, California Code of Regulations, and the incorporated "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," "California Exhaust Emission Standards and Test Procedures For Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment To Use Alternative Fuels," and "California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters for Off-Road Vehicles, Engines, and Equipment," as set forth in the Staff Report (released September 30, 1998);

WHEREAS, following the public hearing, the Board adopted Resolution 98-56, in which the Board approved the regulatory amendments to sections 2405, 2425, 2435, and 2445.1, title 13, California Code of Regulations, as set forth in Attachment A thereto, the adoption of sections 2470, 2471, 2472, 2473, 2474, 2475, and 2476, title 13, California Code of Regulations, as set forth in Attachment B thereto, and the adoption of the incorporated "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," "California Exhaust Emission Standards and Test Procedures For Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment To Use Alternative Fuels," and "California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters for Off-Road Vehicles, Engines, and Equipment," as set forth in Attachments C, D and E and in the Staff Report (released September 30, 1998);

WHEREAS, Resolution 98-56 directed the Executive Officer to adopt the regulations and incorporated procedures described in Attachments B, C, D, and E thereto, and to incorporate into the approved amendments the modifications as described in Appendix A thereto, after making the modified regulatory language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted;

WHEREAS, the approved regulations, with the changes to the originally proposed text clearly indicated, have been made available for public comment for a period of 15 days in accordance with the provisions of title 1, California Code of Regulations, section 44;

WHEREAS, the written comments received during the subsequent 15-day period have been considered by the Executive Officer and did not require modification or reconsideration by the Board of the approved regulations;

WHEREAS, additional modifications to the approved regulations, made in response to the Office of Administrative Law's Decision of Disapproval of this rulemaking action and to ensure

consistency with the Board's other off-road regulations were made available for two additional 15-day public comment periods, with the changes to the originally proposed text clearly indicated, in accordance with the provisions of title 1, California Code of Regulations, section 44; and

WHEREAS, the written comments received during both 15-day comment periods have been considered by the Executive Officer and do not require modification or reconsideration by the Board of the approved regulations;

NOW THEREFORE, IT IS ORDERED that the recitals and findings contained in Resolution 98-56 are incorporated herein.

IT IS FURTHER ORDERED that the amendments to sections 2405, 2425, 2435, and 2445.1, and the addition of sections 2470, 2471, 2472, 2473, 2474, 2475, and 2476 to title 13, California Code of Regulations, and the "Procedures for Exemption of Add-On and Modified Parts for Off-Road Categories," "California Certification and Installation Procedures For Systems Designed to Convert Off-Road Vehicles, Engines, and Equipment To Use Alternative Fuels," and "California Evaluation Procedures for New Aftermarket Non-Original Equipment Catalytic Converters for Off-Road Vehicles, Engines, and Equipment," are hereby adopted as set forth in Attachment 1 to this Order.

Executed this _____ day of _____ 2000, at Sacramento, California.

Michael P. Kenny
Executive Officer

Attachment